



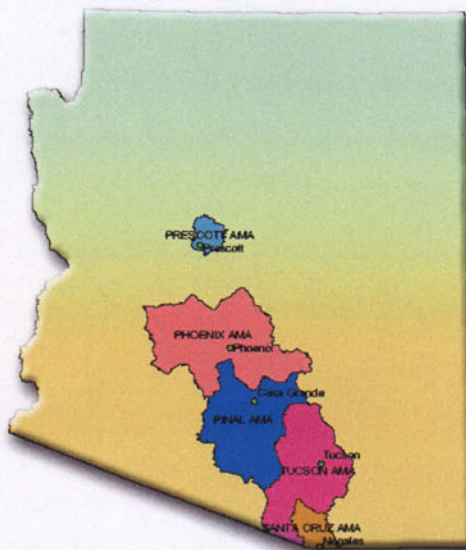
Water Adequacy Program Summary

Arizona Department of
Water Resources

November 2001

Introduction

In 1973, the Arizona Legislature enacted a statewide water adequacy statute as a consumer protection measure in response to the marketing of lots without available water supplies. The Water Adequacy Program, described in A.R.S. § 45-108, requires subdivision developers to obtain a determination from the State regarding the availability of water supplies prior to marketing lots. Developers are required to disclose any "inadequacy" of the supply to potential buyers. This law applies to new subdivisions outside of Active Management Areas (AMAs). New subdivisions within AMAs are subject to the more restrictive Assured Water Supply Program which is summarized in a separate document.



Active Management Areas

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Subdivision Requirements and Water Adequacy

For new subdivisions outside of AMAs, a water adequacy determination is required before a plat can be approved by a city or county. The determination is also needed before the Department of Real Estate will authorize the sale of lots. A subdivision is defined as land divided into six or more parcels where at least one parcel is less than 36 acres. Land divisions resulting in parcels larger than 36 acres are classified as "unsubdivided" lands and do not require a water adequacy determination.

Adequate Water Supply Criteria

Subdivision developers may obtain a water adequacy determination by applying to the Arizona Department of Water Resources (ADWR) for a water adequacy report. If the application successfully demonstrates that sufficient water of adequate quality is available for at least 100 years, the Department will determine the supply to be "adequate." If the supply is determined to be "inadequate," lots may still be sold, though the condition of the water supply must be disclosed in promotional materials and in sale documents.

As an alternative to developers obtaining water adequacy reports for each subdivision, the water provider may acquire a Designation of Adequate Water Supply for an entire service area. If the subdivision will be served by a designated provider, the developer need only obtain a written commitment of service from the provider.



Arizona Department of Water Resources

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www.water.az.gov

Meeting the Water Adequacy Criteria

1. Physical, Legal and Continuous Water Availability

Physical availability of the water supply is typically demonstrated through a hydrologic study. For groundwater, the study must consider demands of current and committed uses for a 100 year period, and the supply must meet depth limitations specified in the Assured and Adequate Water Supply Rules. Currently, the depth-to-water cannot exceed 1,200 feet after 100 years for subdivisions served by a water company. For dry lot subdivisions, the maximum depth-to-water cannot exceed 400 feet after 100 years. For all sources of water, legal rights must exist, and adequate delivery, storage and treatment works must be either in place or financed.

2. Water Quality

Proposed sources of water must satisfy existing state water quality standards as well as other water quality standards applicable to the proposed use after treatment.

Applications

A water adequacy report application is filed for a subdivision and must include demand projections, the proposed subdivision plat and a hydrologic study. The application review process typically requires 60 days. If a subdivision plat is not available, an Analysis of Adequate Water Supply may be applied for. The Analysis is used for master plan communities and is a preliminary step toward obtaining a water adequacy report. Water providers may choose to apply for a Designation of Water Adequacy for their entire service area. Applications are available on the Department's website, or can be picked up at our offices.



Assistance

For more information regarding water adequacy determinations, contact the following ADWR offices:

Office of Assured and Adequate Water Supply
(602) 417-2465

Hydrology Division
(602) 417-2448